

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 16-26, 28-37, and 39-50 are pending in the application, with claims 16 and 28 being independent claims. Claims 1-15, 27, and 38 were previously cancelled without prejudice to or disclaimer of the subject matter therein. New claims 39-50 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections.

Rejections under 35 U.S.C. § 112

In paragraph 4 of the Office Action, the Examiner rejected claims 20, 21, 25, 32, and 36 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses.

Regarding claims 20, 21, and 32, the Examiner alleges that the following features are not described under the specification heading, "Receipt of Broadcast Data" (specification, page 38, line 19, through page 39, line 8):

Selecting the first one of the plurality of independently operated data sources from a listing of each of the plurality of independently operated data sources.

(Claim 20). Claim 21 depends from claim 20. Claim 32 recites similar features.

Under the heading, "Receipt of Broadcast Data," the specification describes, among other features, tuning of a communications device (page 38, line 25), such as, for example, television channels (page 39, line 1) and cable television systems (page 39, lines 3-4). Tuning of television channels and cable television systems necessarily includes selection of one of a plurality of independently operated data sources (e.g., independent channel providers), from a listing of a plurality of independently operated data sources (e.g., independent channel providers) provided on, for example, a television display screen. Claims 20, 21, and 32 are not, however, limited to tuning of television channels and cable television systems.

Additional support for features recited above, individually and/or in combination with one another,¹ can also be found throughout the specification. For example, and without limitation:

If desired, at the option of the information product publisher, a standard user interface may be included. Such an optional standard user interface can have all facilities needed to select transportable objects from a predefined list, perform all user setup functions, and invoke information object transport.

(Page 17, lines 19-22, emphasis added).

Communications API 42 establishes a product-specific transport method choice list for selection of an appropriate file transfer protocol as between direct dial, data network dial, and other modes of transport. Communications protocols specify necessary connection parameters such as access number and network addressing or other routing information.

(Page 17, lines 8-11, emphasis added).

The inventive protocol mapper 92 can insulate a containing information product from the variations among such services, and can allow a single such information product to be transported through a variety of such services, and to later be moved to other such services by simply selecting an alternative protocol mapper. Multiple such protocol mappers can be packaged within a given information product to permit alternatives to be selected by the end-user from a list. Thus the invention further permits information products and related UI/DB authoring tools to be service-independent and neutral.

(Page 43, lines 11-17, emphasis added).

Reconsideration and withdrawal of the rejection of claims 20, 21, and 32 are requested.

Regarding claim 25, the Examiner alleges that the following features are not described under the specification heading, "Receipt of Broadcast Data" (specification, page 38, line 19, through page 39, line 8):

Wherein the method is performed a plurality of consecutive times, wherein during each time the method is performed, a user at the user

¹ As the Federal Circuit held in *Kolmes v. World Fibers Corp.*, 107 F.3d 1534, 1539, (Fed. Cir., 1997), features recited in a claim do not necessarily have to be disclosed in the specification within a single embodiment.

station can access desired data objects that have previously been captured and stored during a prior time the method is performed.

Regarding claim 36, the Examiner alleges that the following features are not described under the specification heading, "Receipt of Broadcast Data" (specification, page 38, line 19, through page 39, line 8):

Wherein the user station enables a user to access the at least one captured and stored desired data object while the user station receives, captures, and stores additional desired data objects.

The features recited above are described throughout the specification, individually and/or in combination with one another.² For example, and without limitation:

In most cases, a user-actuated menu selection is provided in the containing information product 12 after integration with the inventive information transport component 14 to activate transport of an additional information object, and preferably, selection of transport activation drops down a menu of transport choices such as "FETCH UPDATE", "FETCH CATALOG OF UPDATES", "SEND DATA" and the like, each of which then runs automatically upon selection.

Updating can also be totally automatic, and other than an obviously desirable user notification, be completely invisible to or transparent to the user, running in background on their system, while the user's screen is available for other processing such as running the containing information product 12.

(Page 12, lines 15-25, emphasis added).

One skilled in the art would immediately recognize that the disclosure thus describes the ability to access previously-obtained objects, while updated objects are retrieved.

Reconsideration and withdrawal of the rejection of claims 25 and 36 are requested.

² *Id.*

Rejections under 35 U.S.C. § 102

In paragraph 6 of the Office Action, the Examiner rejected claims 16-21, 23-26, 28-32, and 34-37 under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 5,819,034, to Joseph et al. ("Joseph"). Applicant respectfully traverses.

Independent claim 16, as amended, recites, among other features, "capturing and storing the at least one desired data object ... based on ... a schedule." Independent claim 28 has been similarly amended. Support for the amendments to claims 16 and 18 can be found at, for example:

page 16, line 27 ("advanced controls for scheduled automatic calling can be included");

page 21, lines 12-13 ("if an optional scheduling/polling feature is selected, the communication is deferred until the scheduled time"); and

page 23, lines 19-21 ("an optional transport function module for scheduled or poll-responsive information object transport can be provided to defer the fetching of an update or to defer another information transport operation to a specified later time, or until called by the server").

Joseph does not teach or suggest capturing and storing at least one desired data object based on a schedule as recited in amended claims 16 and 28. Reconsideration and withdrawal of the rejection is requested.

Claims 17-21 and 23-26 depend from claim 16. Claims 28-32 and 34-37 depend from claim 28. For at least the reasons provided above with respect to claims 16 and 28, and further in view of the additional features recited in the dependent claims, the dependent claims are believed to be patentable. Reconsideration and withdrawal of the rejection of the dependent claims are requested.

Rejections under 35 U.S.C. § 103

In paragraph 11 of the Office Action, the Examiner rejected claims 22 and 33 under 35 U.S.C. § 103(a), as being unpatentable over Joseph, and in the alternative, over Joseph in view of U.S. Patent No. 5,761,602, to Wagner *et al.* ("Wagner"). Applicant respectfully traverses.

Claim 22 depends from claim 16, and claim 33 depends from claim 28. For at least the reasons provided above with respect to claims 16 and 28, and further in view of the additional features recited in the dependent claims, the dependent claims are believed to be patentable. Reconsideration and withdrawal of the rejection of the dependent claims are requested.

New Claims 39-48

New claims 39, 40, 45, and 46 are directed to repeatedly capturing and storing according to a schedule. Support for new claims 39, 40, 45, and 46 is found at, for example, page 12, line 25, page 16, line 27, page 20, line 15, page 34, lines 25-27, and page 39, lines 19-21.

New claims 41, 42, 47, and 48 are directed to purging of previously obtained data objects. Support for new claims 41, 42, 47, and 48 is found at, for example, page 22, lines 13-16.

New claims 43, 44, 49, and 50 are directed to fetching a revised schedule and repeatedly capturing and storing according to the revised schedule. Support for new claims 43, 44, 49, and 50 is found at, for example, page 34, line 27.

Examination of new claims 39-50 is requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections.

Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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